

REMARKS

Applicant respectfully requests reconsideration of this application in light of the foregoing amendments and the following remarks. In the office action (OA) mailed 05/20/2003, claims 37-41 and 43-49 were considered. The OA rejected claims 37, 41 and 43-44 under 35 U.S.C. § 102(b) and claims 38-40 and 45-49 under 35 U.S.C. § 103(a). Accordingly, claim 39 has been canceled and claims 37, 38 and 41 have been amended as specified above.

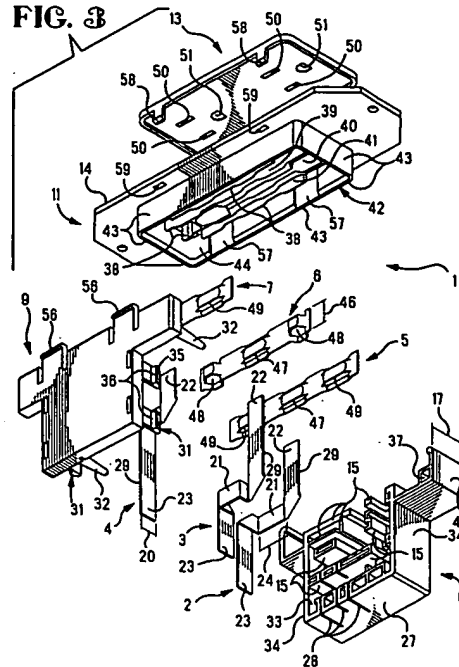
CLAIMS 37-41, 43-44 § 102(b) REJECTIONS

The OA rejected claims 37 and 41 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,486,121 to Miller ("Miller"); OA, p. 2, ¶1; rejected claims 41 and 43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,399,806 to Olson ("Olson"); OA, p. 3, ¶2; and claims 41 and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,103,125 to Marrero ("Marrero"); OA, p. 3, ¶4. This response addresses those rejections below in the paragraph number order presented in the OA.

The OA also apparently rejected claim 37-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,165,443 to Figart et al. ("Figart"). OA, pp. 2-3, ¶1, ll. 12-23. However, the OA also stated that the 102 rejection of claim 37 with respect to Figart was dropped. OA, p. 5, l. 22. Further, the identically worded rejection was listed under the 35 U.S.C. § 103(a) rejections. OA, p. 4, ¶2, ll. 2-13. Hence, those rejections of claims 37-40 are addressed with respect to the 103 rejections, below.

1. Claims 37 and 41 With Respect To Miller

FIG. 3 from Miller is reproduced below to illustrate that Claims 37 and 41 patentably distinguish the electrical connector assembly of Miller.



Claim 37

FIGS. 8A-B, D from the present application are reproduced below to illustrate elements of claim 37 that patentably distinguish over each of Miller and Figart.

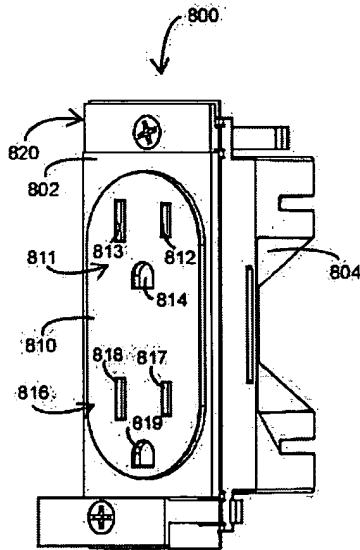


FIG. 8A

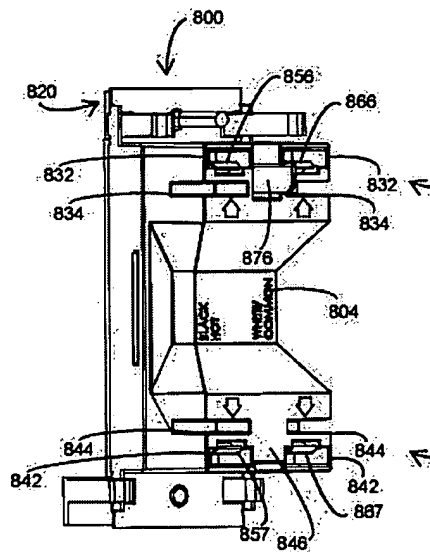


FIG. 8B

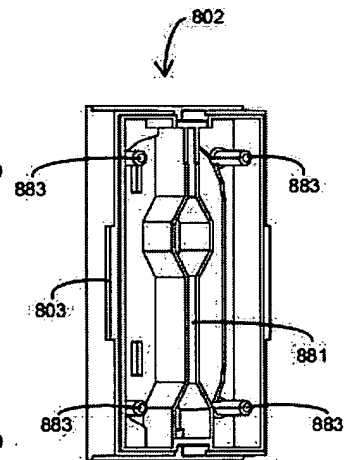


FIG. 8D

Claim 37, as amended, recites:

An electrical module comprising:

a front cover **802** having a front cover front side (FIG. **8A**) and a front cover back side (FIG. **8D**);

a back cover **804** having a back cover front side (FIG. **8E**) and a back cover back side (FIG. **8B**);

an electrical function being user accessible from said front cover front side;

a plurality of module fixtures **830, 840** extending generally perpendicularly from said back cover back side; and

a plurality of contacts **856-7, 866-7** substantially shielded by said module fixtures,

said contacts being in communications with said electrical function,

said contacts retained by said front cover back side and said back cover front side, and

said module fixtures configured to removably engage a corresponding plurality of panel fixtures extending generally perpendicularly from a wiring panel mounted within an electrical box so as to bring said contacts in communications with an electrical power source connected to said panel.

Response, p. 2 (emphasis and reference numerals added, referring to Applicant's FIGS. 8A, 8B, 8D immediately above).

With respect to claim 37, the OA states that Miller discloses "front (13) and back (14) covers . . . ; a plurality of fixtures (38) extending generally perpendicularly from said back cover; and a plurality of contacts (5, 6, 7). OA p. 2, ¶1. However, Miller does not disclose that the contacts (5, 6, 7) are retained by the front cover (13) back side and the back cover (14) front side as claimed. Indeed, in Miller, the contacts (5, 6, 7) are retained by the back cover (14) back side proximate the fixtures (38). Specifically, "molded internal walls 38 . . . define respective compartments for the socket buses 5, 6, 7." Miller, c. 5, ll. 4-7. As such, Miller does not anticipate claim 37.

Claim 41

FIGS. 7A-C from the present application are reproduced below to illustrate elements of claim 41 that patentably distinguish over each of Miller, Olson and Marrero.

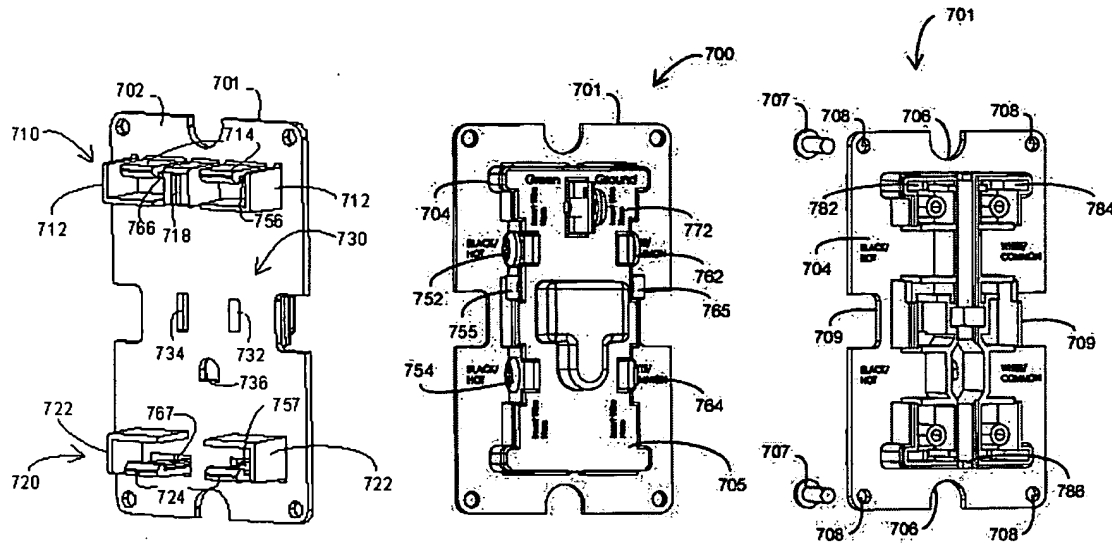


FIG. 7A

FIG. 7B

FIG. 7C

Claim 41, as amended, recites:

An electrical wiring panel 700 comprising:
a board 701 having a generally planar front side 702 and a back side 704;
a raised chamber portion 782-6 of said back side;
a panel fixture portion 710, 720 of said front side extending normal to said front side;
a back cover 705 retained by said board; and
a plurality of panel contacts 756-7, 766-7 accessible from said front side and retained by said raised chamber portion,
said panel fixture portion disposed at least partially around said panel contacts,
said panel fixture portion configured to removably engage a corresponding module fixture portion of a functional module so as to bring said panel contacts in electrical communications with a corresponding plurality of module contacts.

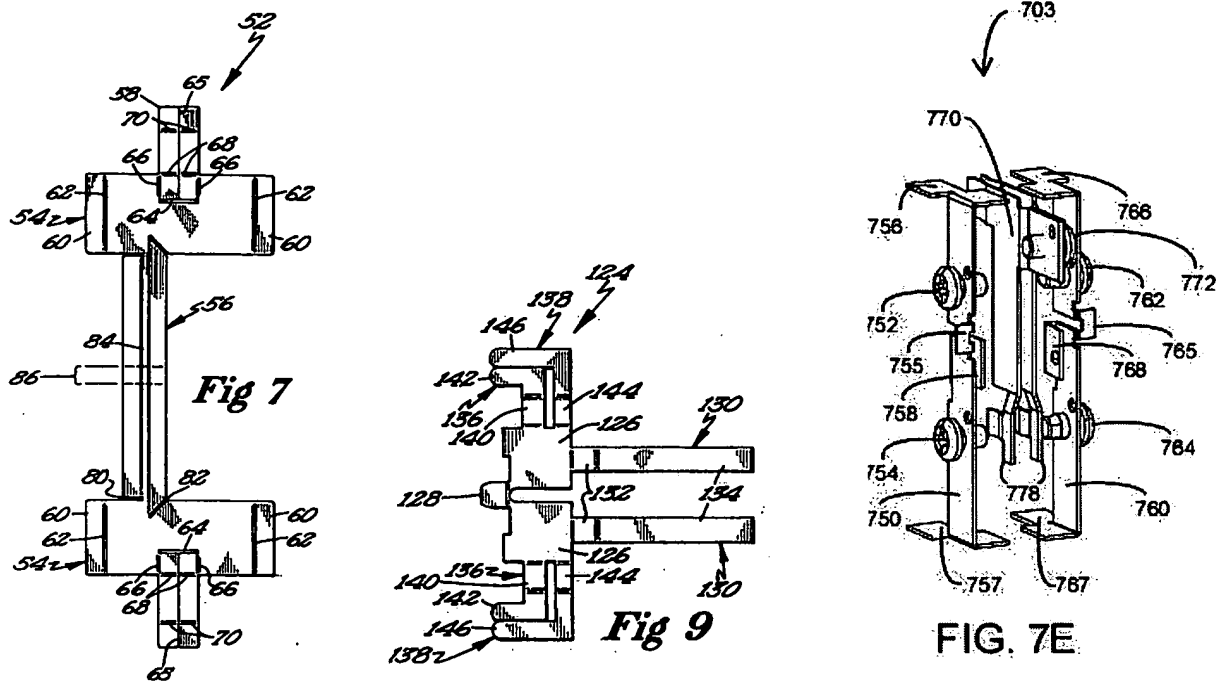
Response, p. 3 (emphasis and reference numerals added, referring to Applicant's FIGS. 7A-C immediately above).

With respect to claim 41, the OA states that Miller discloses a wiring panel comprising front and back sides; a plurality of panel contacts (22, 23); and a plurality of panel fixtures (8, 9, 56) configured to removably engage module fixtures (57). OA, p. 2, ¶1. However, Miller does not disclose a panel fixture portion of a board front side disposed at least partially around the

top (96) and bottom (98), which the OA identifies as "panel fixtures," are not a portion of the control boxes (28, 30, 32). Hence, Olson does not disclose or otherwise teach a panel fixture portion of a board front side. Therefore, Olson cannot anticipate claim 41.

Claim 43

A portion of Figs. 7 and 9 from Olson and Applicant's FIG. 7E are reproduced below to illustrate that claim 43 patentably distinguishes the modular electrical wiring system of Olson.



Claim 43 recites, in part, a plurality of breakaways 755, 766, one each located on a corresponding one of said busses 750, 760. Response, p. 3 (emphasis and reference numerals added, referring to Applicant's FIG. 7E, above.

With respect to claim 43, the OA states: "Olson discloses plurality of breakaways (86) each located on a corresponding one of the busses (84). OA, p. 3, ¶2. The OA further states "With regard to claim 43 rejected over Olson, Applicant recommends to interpret the elements (128) as a plurality of breakaways. However, the elements (86), used in the rejection, meet all of the limitations of the claim. This mischaracterizes Applicant's argument.

Olson states, with respect to Fig. 7:

It should then be noted that in the installed condition, legs 202 and 218 are in electrical contact with bus bar 50 of box 32, with connecting portion 56 of bus bar

50 having removed portion 86 to electrically isolate the first and second head portions 54 from each other.

Olson c. 9, ll. 47-51 (emphasis added). Applicant asserts that the "removed portion" is not a "breakaway." Terms must be given their plain meaning. MPEP 2111.01. The plain meaning of "breakaway" is an object designed to be broken. Nothing in Olson suggests the removed portion (86) can be broken off. Indeed, Olson itself explicitly teaches the difference between a tab (128) in the module busses of Fig. 9 that can be broken off and the removed portion (86) on the busses (84), stating: "It should then be noted that tabs 128 can be broken through notches 168 in the field in a conventional manner if it is desired to electrically isolate the two halves of outlet 110."

Olson, c. 7, ll. 59-62. Olson does not characterize the removed portion (86) as a part that can be broken. Further the tab (128) of Olson Fig. 9 reveals a structure that can be broken off. No such structure is shown or suggested for the removed portion (86) of Olson Fig. 7.

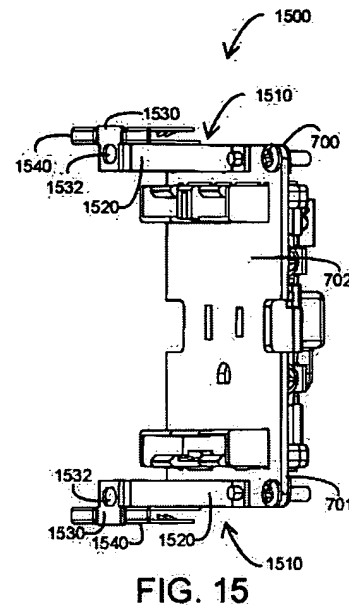
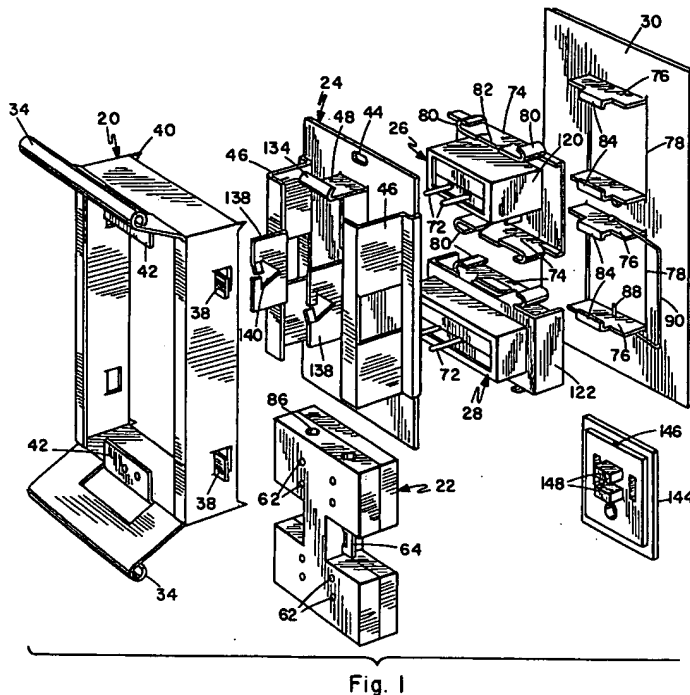
That is, Olson itself teaches the difference between the removed portion (86) of the bus bar (50) and a portion of the module bus bar (120) that can be broken (128). Thus, it cannot be said that Olson teaches a plurality of breakaways on the panel busses. Further Olson fails to recognize the advantage of having breakaways on the panel busses rather than on the module busses, which allows "The journeyman's work [to be] completed at the rough phase [of building construction], when installation of the wiring panel is complete." Spec. p. 3, ll. 27-28. Thus Olson does not anticipate claim 43 or otherwise render claim 43 obvious.

3. Claims 41 And 44 Rejections With Respect To Marrero

Figs. 5 and 6 from Marrero are reproduced below to illustrate that claim 41 patentably distinguishes the modular electrical switch/outlet of Marrero.

Claim 44

Fig. 1 from Marrero and Applicant's FIG. 15 are reproduced below to illustrate that claim 44 patentably distinguishes Marrero.



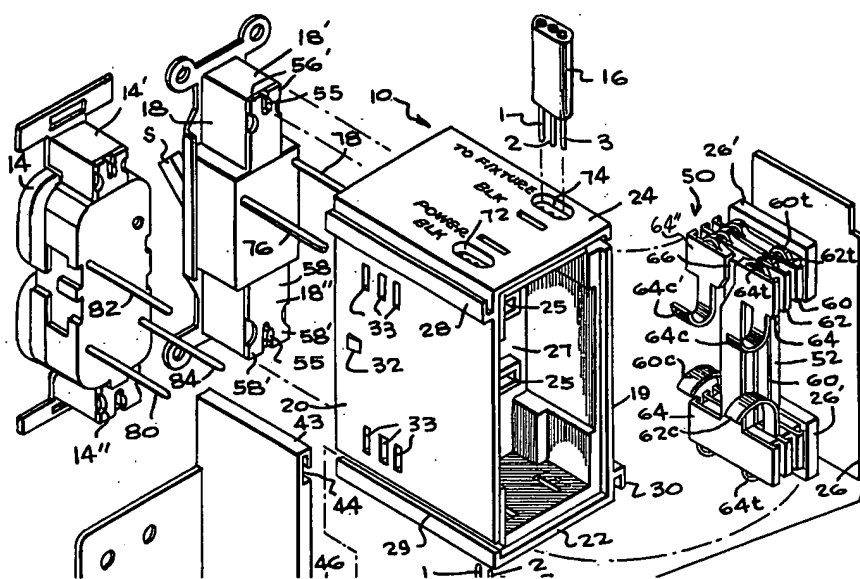
With respect to claim 44, the OA states that "Marrero discloses a bracket (48). OA, p. 3, ¶4. Further, the OA asserts that the bracket (48) extends "generally perpendicularly from [the] front side of the panel." OA, p. 6, ll. 12-13. Marrero, however, does not disclose a bracket 1510 extending generally perpendicularly from the front side 702 of a board 701 having a raised chamber portion 782-6 (FIG. 7C) on a back side 704 (FIG. 7C) of the board. See claim 41 from which claim 44 depends. As such, Marrero cannot anticipate claim 44.

CLAIMS 37-40 and 45-49 § 103(a) REJECTIONS

The OA rejected claim 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Miller; OA p. 4, ¶1; and rejected claims 37-40 and 45-49 under 35 U.S.C. § 103(a) as being unpatentable over Figart. OA, pp. 4-5. Claim 39 has been cancelled. This response addresses those rejections below, except with respect to the cancelled claims, in the paragraph number order presented in the OA.

With respect to claim 38, the OA states, in part, that: "Miller discloses all of the limitations except for a ground bar for insertion in the corresponding slot of the wiring panel." OA, p. 4, ¶1. As amended, claim 38 recites "a thermoplastic key adapted to said wiring panel so that said module can only engage said wiring panel in a predetermined orientation." Response p. 2. The Miller ground bar is not a thermoplastic key. Therefore claim 38 cannot be rendered obvious by Miller.

A portion of FIG. 1 from Figart is reproduced below to illustrate that claim 37 patentably distinguishes the power distribution system of Figart.



With respect to claim 37, the OA states that Figart, in part, discloses "front and back covers (considering front and back sides of a front portion to which an arrow of r.n. 14 is shown in Fig. 1) of the module. OA, p. 4, ¶2. Claim 37, as amended however, recites in part:

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Response, p. 2. The front and back sides of the Figart "front portion" to which the OA refers cannot be a front cover back side and a back cover front side that retain contacts, as claimed. As such, Figart does not disclose or otherwise teach claim 37.

Claim 38

As amended, claim 38 recites "a thermoplastic key adapted to said wiring panel so that said module can only engage said wiring panel in a predetermined orientation." Response p. 2. The Figart ground bar (80) is not a thermoplastic key. Therefore claim 38 cannot be rendered obvious by Figart.

Claim 40

Claim 40 recites: "The electrical module according to claim 39 further comprising a conductive element disposed at least partially around the outside of said front cover." Response p. 2. With respect to claim 40, the OA states that Figart discloses "a conductive element (a portion with an aperture for element 55)" OA, p. 4, ¶2. However, claim 40 is limited by "an electrical function being user accessible from said front cover front side. Claim 37 as amended. The referred to conductive element of Figart is not disposed at least partially around the outside of the front cover as claimed. In particular, the referred to element is disposed on a cover opposite that of the user accessible electrical function, i.e. a front portion to which an arrow of r.n. 14 is shown in Figart Fig. 1. As such, Figart does not disclose, teach or otherwise render obvious claim 40

3. Claims 45, 48 Rejections With Respect To Figart

The OA cites Figart as disclosing all of the elements of Claims 45 and 48 except that Figart "does not disclose that the panel feature (25) shielding a panel contact is a part of the front side of the wiring panel, teaching the shielding feature as part of the electrical box." OA, p. 5, ll. 1-2. The OA then cites *In re Japikse*, 86 USPQ 70 for the proposition that "rearranging parts of an invention involves only routine skill in the art." *Id.* ll. 3-6. The MPEP, however, states that this bare assertion is insufficient to reject Claims 45 and 48:

"The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

MPEP §2144.04, emphasis added. Thus, in order to reject claims 45 and 48, the Examiner has the burden of showing that Figart provides a motivation or reason to relocate the electrical box feature (25) to the wiring panel 50.

Further, because "the wiring panel (50)" as designated by the OA is internal to the electrical box (10), the suggested rearrangement would result in a panel fixture that is also internal to the electrical box (10). However, claim 45 and 48 have the limitation: "said [module] back cover having a module fixture shielding a module contact, said module fixture configured to engage said panel fixture so as to electrically connect said module contact with said panel contact." Response p. 4. The suggested rearrangement would not read on this limitation as the Figart electrical box divider panel (27) would prevent the module fixture from engaging the panel fixture.

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 37-38, 40-41 and 43-49 are in condition for allowance. Applicant requests that this application be passed to issuance. If, however, the Examiner believes that any issue remains that requires clarification, the Examiner is invited to call the undersigned attorney of record at the number indicated below.

Respectfully submitted,

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